

12-22-99

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Date of Deposit 12/21/99

Docket No. WELD 111 DIV IV

Prior Application:

Examiner: S. Gilbert

Art Unit: 3736

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Name ARMANDO CHIN  
(typed or printed)

Signature Armando Chin

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

This is a request for filing a [ ] continuation  
[X] divisional application of pending prior application Serial No.  
08/897,358 filed on July 21, 1997, which is a continuation of  
Serial No. 08/330,327 filed on October 27, 1994, for METHOD AND  
APPARATUS FOR TREATING A DESIRED AREA IN THE VASCULAR SYSTEM OF A  
PATIENT.

1. Enclosed is a copy of the prior application, including  
the oath or declaration as originally filed.

I hereby verify that the attached papers are a true copy  
of prior application Serial No. 08/330,327 as originally  
filed on October 27, 1994 and further that this statement  
is made with the knowledge that willful false statements  
and the like so made are punishable by fine or  
imprisonment, or both, under Section 1001 of Title 18 of  
the United States Code and that such willful false

statements may jeopardize the validity of the application or any patent issuing thereon.

2. ☒ The filing fee is calculated below pursuant to the claims as filed in the prior application:

- a. ☐ less any claims canceled by Amendment below.
- b. ☒ after entering the attached Preliminary Amendment.

☒ Small Entity

For	Number Filed	Number Extra	Rate	Fee
Total Claims	12	-	x \$ 9	\$ -
Independent Claims	4	1	x \$39	\$ 39.00
Multiple Dependent Claims (minimum fee - additional charge may be due under total claim calculation - See 37 CFR §§ 1.16(d) and 1.75(c))			\$130	
Basic Fee (minimum amount required)				\$380.00
Total Filing Fee				\$419.00

☐ Other than Small Entity

For	Number Filed	Number Extra	Rate	Fee
Total Claims		-	x \$18	\$ -
Independent Claims		-	x \$78	\$ -
Multiple Dependent Claims (minimum fee - additional charge may be due under total claim calculation - See 37 CFR §§ 1.16(d) and 1.75(c))			\$260	
Basic Fee (minimum amount required)				\$760.00
Total Filing Fee				

3. ☒ The Commissioner is hereby authorized to charged any additional fees which may be required, or credit any overpayment to Account No. 50/1039. A duplicate copy of this sheet is enclosed.

4. ☒ A check in the amount of \$419.00 is enclosed.

5. ☐ Cancel in this application original claims \_\_\_\_\_ and \_\_\_\_\_ of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing.)

☒ Enter the enclosed Preliminary Amendment prior to calculating the filing fee.

6. ☐ Amend the specification by inserting before the first line the sentence: --This is a ☐ continuation, ☒ division, of application Serial No.    /    , filed    .--

☒ Amend the specification per the attached Preliminary Amendment.

~~7. ☐ Transfer the drawings from the prior application to this application and abandon said prior application as of the filing date accorded this application. A duplicate copy of this sheet is enclosed for filing in the prior application file. (May only be used if signed by person authorized by 37 C.F.R. § 1.138 and before payment of base issue fee.)~~

- ☒ New formal drawings are enclosed.
- ☐ Informal drawings are enclosed.
8. ☐ Priority of application serial no. \_\_\_\_\_  
filed on \_\_\_\_\_ in \_\_\_\_\_  
is claimed under 35 U.S.C. § 119.
- ☐ The certified copy of the priority application has  
been filed in prior application serial no. \_\_\_\_\_  
\_\_\_\_\_, filed \_\_\_\_\_.
9. ☒ With respect to the prior co-pending U.S.  
application from which this application claims  
benefit under 35 U.S.C. § 120 the inventor(s) in  
this application are:
- a. ☐ the same.
- b. ☒ less than those named in the prior  
application and it is requested that the  
following inventor(s) for the prior  
application be deleted:  
Ian R. Crocker, Raphael F. Meloul
10. ☐ The inventorship for all the claims in this  
application is:
- a. ☐ the same.
- b. ☐ not the same, and an explanation,  
including the ownership of the various  
claims at the time the last claimed  
invention was made, is submitted.

11. [ X ] The prior application is assigned of record to  
Novoste Corporation.

12. [ X ] The power of attorney in the prior application is  
to: Stephen B. Heller, registration no. 30,181 of  
Cook, Alex, McFarron, Manzo,  
Cummings & Mehler, Ltd.  
200 West Adams Street, Suite 2850  
Chicago, IL 60606

a. [ X ] The power appears in the original papers  
in the prior application.

b. [ ] Since the power does not appear in the  
original papers, a copy of the power in  
the prior application is enclosed.

c. [ X ] Address all future communications to:  
Stephen B. Heller  
Cook, Alex, McFarron, Manzo, Cummings  
& Mehler, Ltd.  
200 West Adams Street -- Suite 2850  
Chicago, IL 60606

Respectfully submitted,

Date: December 21, 1999

Stephen B. Heller  
Stephen B. Heller  
Registration No. 30,181

COOK, ALEX, MCFARRON, MANZO,  
CUMMINGS & MEHLER, LTD.  
200 West Adams Street  
Suite 2850  
Chicago, Illinois 60606  
(312)236-8500



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
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08/330.327 10/27/94 WAKSMAN

R 9-10700

0381/1206

COOK, EGAN, MCFARRON & MANZO, LTD.  
135 SOUTH LASALLE ST., STE. 4100  
CHICAGO, IL 60603

DATE MAILED: 0000

12/06/94

### NOTICE TO FILE MISSING PARTS OF APPLICATION FILING DATE GRANTED

An Application Number and Filing Date have been assigned to this application. However, the items indicated below are missing. The required items and fees identified below must be timely submitted **ALONG WITH THE PAYMENT OF A SURCHARGE** for items 1 and 3-6 only of \$ 176.14 for large entities or \$ 15.70 for small entities who have filed a verified statement claiming such status. The surcharge is set forth in 37 CFR 1.16(e).

If all required items on this form are filed within the period set below, the total amount owed by applicant as a ☒ large entity, ☐ small entity (verified statement filed), is \$ 176.14.

Applicant is given **ONE MONTH FROM THE DATE OF THIS LETTER, OR TWO MONTHS FROM THE FILING DATE** of this application, **WHICHEVER IS LATER**, within which to file all required items and pay any fees required above to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

1. ☐ The statutory basic filing fee is: ☐ missing ☐ insufficient. Applicant as a ☐ large entity ☐ small entity, must submit \$ \_\_\_\_\_ to complete the basic filing fee.
  2. ☒ Additional claim fees of \$ 11.66 as a ☒ large entity, ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.
  3. ☒ The oath or declaration:  
☒ is missing.  
☐ does not cover items omitted at time of execution.
- An oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date is required.
4. ☐ The oath or declaration does not identify the application to which it applies. An oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
  5. ☐ The signature to the oath or declaration is: ☐ missing; ☐ a reproduction; ☐ by a person other than the inventor or a person qualified under 37 CFR 1.42, 1.43, or 1.47. A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
  6. ☐ The signature of the following joint inventor(s) is missing from the oath or declaration:  
\_\_\_\_\_. An oath or declaration listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.
  7. ☐ The application was filed in a language other than English. Applicant must file a verified English translation of the application and a fee of \$ \_\_\_\_\_ under 37 CFR 1.17(k), unless this fee has already been paid.
  8. ☐ A \$ \_\_\_\_\_ processing fee is required for returned checks. (37 CFR 1.21(m)).
  9. ☐ Your filing receipt was mailed in error because check was returned without payment.
  10. ☐ The application does not comply with the Sequence Rules. See attached Notice to Comply with Sequence Rules 37 CFR 1.821-1.825.
  11. ☐ Other.

Direct the response and any questions about this notice to \_\_\_\_\_, Application Processing Division, Special Processing and Correspondence Branch (703) 308-1202.

**A copy of this notice MUST be returned with the response.**